

CITY COMMISSION MINUTES

August 4, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, August 4, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Rod Barnes, City Engineer Christina Cook, City Attorney Catherine Logan, and City Clerk Tricia Gowen.

PLEDGE OF ALLEGIANCE

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person.)

Keri Parker, Junction City, stated that she has watched all of the Commission meetings for the past several months and cutting public safety is the worst thing the Commission can do. On June 1st, she was involved in a rollover accident at 6th and Garfield. The quick actions and response of the Junction City Fire Department and Police Department were excellent. She stated that she is living proof that public safety is needed. She received the fastest and best care available. Ms. Parker thanked Battalion Chief Paxton and his crew for their service. She also thanked Officer Paquette who came to the hospital to check on her and answer questions she had. Commissioner Taylor inquired as to the cause of the accident. Ms. Parker stated that the other vehicle ran a red light.

John Stewart, Junction City, thanked the Commission for getting the work started on the Spruce Street water tower. He stated that East Chestnut and Rucker Road are looking good; however, the City needs to address the older streets in town. Mr. Stewart inquired where the \$80,000 for the independent investigation would come from. City Manager, Rod Barnes, stated that he would address that issue later in the agenda. Mr. Stewart inquired about the mil levy and if the number published in the Daily Union was correct. Mr. Barnes stated that the newspaper printed the correct mil levy.

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the Consent Agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **July 21, 2009 City Commission meeting minutes & July 28, 2009 Special Commission Meeting Minutes**.
- b. The consideration of **Appropriation Ordinance** dated July 17 – July 29, 2009 in the amount of \$566,969.46.
- c. The consideration and approval for **Pay Estimate #7** by Ebert Construction Co., Inc. in the amount of \$146,557.73 for the Spring Valley Rd – Fox Sparrow Ct to Sutter Woods Rd project for construction services through July 31, 2009. This project is 100% complete as of this Pay Estimate.

- d. The consideration and approval of **Pay Estimate #12** by Konza Construction Co., Inc. in the amount of \$681,633.53 for Construction Services through July 31, 2009 on the Rucker Rd – Whitney to US-77 project. This project is 96.6% complete as of this Pay Estimate.
- e. The consideration and approval of **Payroll #14, #15, and #16** for the month of July 2009.

APPOINTMENTS

- a. The consideration and approval of a joint Junction City/Geary County appointment to the EDC board. (David Alexander and Gary Schoenrock have been recommended.) Jeffrey Black, EDC Director, informed the Commission that a media blitz was done to encourage any interested citizens to submit a board interest card and bio. Commissioner Johnson stated that he would like to have both of these gentlemen appear before the Commission to explain why they want to serve on the EDC board. Commissioner Johnson stated that he would also like to see a County Commission present at that time. City Manager, Rod Barnes, stated that Commissioner Bennett said the County was comfortable with either potential board member. Commissioner Talley stated that the Commission has never had any interested person appear before the Commission to explain why they want to volunteer for a board. Commissioner Johnson moved to have Mr. Alexander and Mr. Schoenrock appear before the Commission to explain why they want to serve on the EDC Board. Motion died for a lack of second. Commissioner Rhodes moved, seconded by Commissioner Talley to appoint Gary Schoenrock to serve as the joint Junction City/Geary County appointment to the EDC Board. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Johnson. Motion carried four to one.

SPECIAL PRESENTATIONS

- a. Mr. Tyler Ficken presented the **America in Bloom video**. This video has been sent to the America in Bloom competition to be held in October 2009.
- b. Mr. Rick Dykstra provided a demonstration of the interactive demonstration of the recently purchased **Audience Response System**.
- c. Colonel Kevin Brown, Garrison Commander at Fort Riley, presented a **request for community support of a privatized restaurant on Fort Riley**. Colonel Brown informed the Commission that Fort Riley has been selected to have a private restaurant on Fort Riley. Chili's Restaurant is interested in building on Fort Riley. Colonel Brown stated that Fort Riley wants to secure the support of the community. Funding for this project does not have to go through government funding; the restaurant will utilize their own funding sources. The restaurant will not be tax exempt and the City will eventually receive tax revenues from the restaurant. Colonel Brown explained that contrary to information that was presented some time ago, this is not an AAFES project. It is a stand alone venture and not the start of a commercial venture that will grow around the restaurant. The restaurant will be open to the public and will be located right inside Trooper Gate across from the PX. Colonel Brown stated that the Army is committed to this venture and doesn't want to miss out on the opportunity. He stated that the market survey indicated that this type of restaurant is needed in this area and will provide employment opportunities and sales tax revenues. Colonel Brown stated that the Army is working towards making access on Fort Riley an easier process. Commissioner Talley inquired if the restaurant will eventually do something in Junction City. Colonel Brown stated that the topic has not been broached yet. Colonel Brown stated that having a Chili's on Fort Riley will not negate the need for more restaurants in Junction City to serve the 34,000 population on Fort Riley. Commissioner Talley stated that he thinks it is amazing that Chili's is willing to do this because restaurants won't allow Junction City to

count Fort Riley's population when trying to recruit them to Junction City. Mayor Heldstab inquired what the percentage of sales tax revenue would come back to the City. City Manager, Rod Barnes, stated that City sales tax can not be charged; however, the City will receive part of the State sales tax. Commissioner Johnson stated that he has no problem with this project. Commissioner Rhodes stated that he is hesitant about the project. He stated that there is new command every two years and the priorities with each new command seem to change every time. Commissioner Rhodes stated that the local businesses are concerned with competition and that AAFES will eventually join in. Colonel Brown stated that Chili's is a stand alone project and is a large Army venture not just Fort Riley. Commissioner Taylor stated that he agrees with Commissioner Rhodes in that the command changes every two years and the philosophy can change overnight. Commissioner Taylor believes that Fort Riley is going to move forward with the project regardless of what Junction City says about it. Commissioner Johnson stated that the community has tried to attract a wide variety of restaurants in the past and have not been successful and that Junction City has relied on Fort Riley too much. Colonel Brown stated that Chili's will open the door and show the ones who have balked before that the demand is here in Junction City for other restaurants such as Chili's. Mayor Heldstab stated that he has talked to people with other installations and they were able to bring in other businesses and restaurants to the local area. Colonel Brown stated that the Commanding General does not want to move forward without the Commission's support. Commissioner Talley stated that he appreciates Colonel Brown updating the Commission. Mayor Heldstab stated that there is a perception that Fort Riley has not done what they said they would do concerning troop levels. Colonel Brown stated that movements of the units are coming and going at this moment. On average, there will be 10,500 soldiers and family members. There will be only one dip in troop levels for a two month time frame over the next 24 months. By November 2011, there will be 15,000 soldiers and increasing towards 19,200. Colonel Brown stated that some families have not joined the soldiers due to not being able to sell their homes. It is not a large number of families; the majority of the families do join their soldier here at Fort Riley. Approximately one in every five elects to stay where they are instead of joining their soldier. Commissioner Rhodes stated that he appreciates Colonel Brown and his staff coming this evening and being straight forward with the Commission. Commissioner Johnson moved, seconded by Commissioner Heldstab to support the request for community support of a privatized restaurant on Fort Riley. Ayes: Heldstab, Johnson, Rhodes, Talley. Nays: Taylor. Motion carried four to one.

UNFINISHED BUSINESS

- a. The consideration of **Charter Ordinance No. 38** eliminating the informal discussion and the fifth Tuesday of the month meeting of the City Commission (**Final Reading**). City Attorney, Katie Logan, informed the Commission that once approved on Final Reading, there is a 60-day protest period before becoming effective. The pre-meeting will continue through September. The first meeting in October will be the first Commission meeting without the pre-meeting. Ms. Logan reminded the Commission that the pre-meeting is open to the public and anyone can attend. Commissioner Talley moved, seconded by Commissioner Johnson to approve Charter Ordinance No. 38 eliminating the informal discussion and the fifth Tuesday of the month meeting of the City Commission (Final Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- b. The consideration and approval of General Ordinance **G-1053** to establish new School Speed Zones in the City to include Apolistic Academy located on Rucker Road and the Middle School on Highway 18 (**Final Reading**). Commissioner Rhodes moved, seconded by Commissioner Talley to approve General Ordinance G-1053 to establish new School Speed Zones in the City to include Apolistic Academy located on Rucker Road and the Middle

School on Highway 18 (Final Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- c. The consideration and approval to adopt **Ordinance S-3064** authorizing the execution of the loan agreement between the City of Junction City and the Kansas Department of Health and Environment in the amount of \$800,000 to install well field piping (**Final Reading**). Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance S-3064 authorizing the execution of the loan agreement between the City of Junction City and the Kansas Department of Health and Environment in the amount of \$800,000 to install well field piping (Final Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- d. The consideration and approval of **Ordinance G-1043** ordinance requiring additional information for permit applications by replacing the existing Section 500.060 with the following new Section 500.060 to Title V The Code of Ordinances of the City of Junction City, Kansas (**First Reading**). Commissioner Johnson stated that he receives a lot of comments; however, no one attends the Commission meetings. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance G01043 requiring additional information for permit applications by replacing the existing Section 500.060 with the new Section 500.060 to Title V The Code of Ordinances of the City of Junction City, Kansas (first Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- e. The consideration and approval of **Ordinance G-1044** to establish a procedure for requiring landscape and ground cover prior to receiving a final certificate of occupancy (**First Reading**). Commissioner Talley stated that he would like to see this be a requirement for commercial properties. Commissioner Johnson stated that he would like to leave the landscape to free enterprise; there are too many details the City does not have expertise in. City Manager, Rod Barnes, stated that the City receives complaints about weeds and the properties end up being blighted due to the weeds. Commissioner Johnson stated that he wants to see this applied to lots with weeds and rock piles. Mr. Barnes stated that weeds and rock piles are seen with all the developers not just the out of town developers. Commissioner Rhodes moved, seconded by Mayor Heldstab to approve Ordinance G-1044 to establish a procedure fore requiring landscape and ground cover prior to receiving a final certificate of occupancy (First Reading). Ayes: Heldstab, Rhodes. Nays: Johnson, Talley, Taylor. Motion failed two to three.
- f. The consideration and approval of **Ordinance G-1050** adding new sections C through H regarding a Plan Review Fee for Commercial and Industrial Building permit Applications to Section 505.020 of Chapter 505 of Title V The Code of Ordinances (**First Reading**). Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance G-1050 adding new Sections C through H regarding a Plan Review Fee for Commercial and Industrial Building permit applications to Section 505.020 of Chapter 505 of Title V The Code of Ordinances (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

NEW BUSINESS

- a. The consideration and approval of a **Neighborhood Revitalization Application** to build nine houses in the Pfizenmaier Addition located at 14th and Jackson Streets (**EDC Approved 8-0**). Commissioner Johnson stated that he is opposed to this action; there are older houses that can be fixed. He feels the price of \$13,500 per lot is too high. Commissioner Johnson stated that the City must stop being in competition with local businesses. Commissioner Taylor stated that he agrees that the lot price is too high. Commissioner Rhodes stated that the

Commission is not taking action on the lot price; the action is the Neighborhood Revitalization application. City Manager, Rod Barnes, stated that the home owner purchases the lot not the City. The participants of the Self Help Housing program are low to very low income families and sometimes it takes the participants two to three years to become eligible. Local realtors won't work with families to get them credit qualified. The applicants use sweat equity for the down payment on their homes. Commissioner Taylor stated that there are other areas with lower lot costs. He stated that he believes the Self Help Housing program is a great program. Commissioner Johnson stated that there is a time and place for this program and there is also an \$8,000 home buyer credit that families can apply for. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization Application to build nine houses in the Pfizenmaier Addition located at 14th and Jackson Streets. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried three to two.

- b. The consideration and approval of **Resolution R-2562** to authorize the de-annexation of six separate tracts located between I-70 and Liberty Hall Road on either side of Taylor Road (**map enclosed**). City Attorney, Katie Logan, informed the Commission that the action requested is to set a date to hold a public hearing to de-annex the land. The Commission has the legal authority to unilaterally de-annex the land. Ms. Logan stated that a public hearing must be held and then the Commission must adopt an ordinance for the de-annexation. If approved, the public hearing will be scheduled for the September 1, 2009 Commission meeting. Commissioner Talley moved, seconded by Commissioner Taylor to approve Resolution R-2562 to authorize a public hearing to be held September 1, 2009 concerning the de-annexation of six separate tracts located between I-70 and Liberty Hall Road on either side of Taylor Road. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- c. The consideration and approval of a request to hold a **public hearing for the North Park – Thompson Drive Park Conversion** for potential Mutual Self Help housing lots. Grant Administrator, Sarah Talley, informed the Commission that the land at North Park was given to the City and it is stipulated that the area must be used for a park. The Self Help Housing program is interested in this area for the program. To remove this area from the park, there must be a conversion of land. A park conversion requires the owner of the park land to replace the land they are removing from the park with park land of equal or greater value. The first step is to hold a public hearing. The area in the request is 3.16 acres of park land. None of this area is currently utilized for recreation. The requested date for the public hearing is August 27, 2009. The second step is to submit the request to the Kansas Wildlife and Parks to establish that the replacement park land is suitable to the existing park land. The proposed park land is the Olivia Farms pond area. The area has been appraised and the value is greater than the North Park land. The third step is for the City to accept the Olivia Farms Pond as a replacement park. At that time, the lots would be developed and could be used for future Self Help Housing lots. Mrs. Talley stated that Olivia Farms is donating the land with the pond and trail. No money will be exchanged and the land exchange will not affect any special assessments. Commissioner Johnson stated that Olivia Farms should keep the pond. Mrs. Talley stated that the money from the park will go toward upgrade of playground equipment in various City parks. Commissioner Rhodes moved, seconded by Commissioner Talley to approve a public hearing for the North Park – Thompson Drive Park Conversion for potential Mutual Self Help Housing lots. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried three to two.
- d. The consideration and approval to award bid to Double Check in the amount of \$26,611.50 to install equipment for **Card Reader for Self-Service Fueling System at Freeman Field Airport**. (The City's share of the cost is approximately \$16,000 funded from the General Fund.) City

Engineer, Christina Cook, stated that the Commission approved the acceptance of funding KDOT for a card reader system for self-service fueling at Freeman Field Airport. Upon acceptance, the Commission authorized the project to be let for bid. Two bids were received in the amounts of \$26,611.50 from Double Check and \$25,101.27 from Hoidale, Inc. Upon review of the bids and consultation with Ron Nordt of Kansas Air, it was determined that the bid from Double Check would be the best option. Although Double Check's bid is slightly higher, Double Check reduced the electrical costs by \$415.00 and will provide a free fuel nozzle with their bid. The bid from Hoidale, Inc. did not include a quote for the electrical service work or a fuel nozzle. The KDOT funding will provide a maximum of \$10,000 for the project, leaving the City's portion at approximately \$16,000.00 funded from the General Fund. Commissioner Rhodes moved, seconded by Mayor Heldstab to approve the award of bid to Double Check in the amount of \$26,611.50 to install equipment for the card reader for self-service fueling system at Freeman Field Airport. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried three to two.

- e. The consideration and approval of a **Kansas Commercial Lease Agreement between the City of Junction City, and the Junction City Area Chamber of Commerce** at 701 N. Jefferson. City Manager, Rod Barnes, informed the Commission that this would be a three year lease agreement. Chamber President, Craig Altenhofen, stated that the Chamber is paying approximately \$460 per month to Central National Bank for rent and utilities. Mr. Altenhofen stated that the relocation would provide support and faster referral to appropriate agencies. The Chamber would occupy three offices; two immediately and one more in the future. The current staff would relocate with the Chamber. City Attorney, Katie Logan, recommended that certain provisions be included in the lease agreement before the Commission signs it. Commissioner Talley is concerned with the \$1.00 rent and the Chamber membership provision. The City has a good building and workable space. He feels that the agreement should have a specific dollar amount per month. Mr. Altenhofen stated there is no cost to the City. The Chamber feels the building is a better location for visibility and the ease to access the location is good and the parking is good as well. Commissioner Talley apologized to the Commission and Mr. Altenhofen; he has a conflict of interest due to the Chamber renting from Central National Bank. Commissioner Taylor inquired as to the target date of the relocation if approved. Mr. Altenhofen stated that the Chamber will occur in August or September. City Manager, Rod Barnes, stated that the rent and utility charges can be separated in the agreement. Ms. Logan stated that any agreed upon details need to be included in the lease agreement. Mr. Altenhofen stated that the Chamber is open to negotiating the details. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the Kansas Commercial Lease Agreement between the City of Junction City and the Junction City Area Chamber of Commerce at 701 N. Jefferson with the stipulation that the membership language be added to the lease agreement and the Chamber pays the City \$200 per month. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: None. Abstentions: Talley. Motion carried four to zero with one abstention.
- f. The consideration and approval of **Ordinance G-1054** updating and establishing the departments of the City (**First Reading**). City Manager, Rod Barnes, informed the Commission that five departments are proposed to be created: Public Services, Public Works, Parks & Recreation, Police and Fire. The ordinance gives the City Manager the flexibility to determine what positions are needed in each department through the annual budget process. Mr. Barnes stated that the three officers of the City that have some direct relationship with the Commission are the City Manager, City Clerk, and City Attorney. For that reason, the ordinance includes specific language related to their official positions with the City. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance G-1054 updating and establishing the departments of the City (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- g. The consideration of **Ordinance G-1055** amending the Finance, Budget and Taxation section of City Code (**First Reading**). City Manager, Rod Barnes, informed the Commission that G-1055 would update the City's finance, budget and taxation section. The first change eliminates the Municipal Equipment Reserve Fund. This was eliminated when the Public Works Department was contracted to Veolia Water. The new departments reflect the hiring of a Finance Manager. The ordinance repeals the establishing a central purchasing - purchasing agent. The City currently coordinates major purchases but does not have a central purchasing agent and has never had one. The final change gives the Commission the flexibility in handling the employee benefits fund. The Commission can include various other employee related benefits in this fund. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance G-1055 amending the Finance, Budget and Taxation section of City Code (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- h. The consideration and approval of the Kansas Department of Transportation request for the **installation of Traffic Signals for Lacy Drive and US-77** in the amount of \$350,000. (The City's share would be 20% and would be funded from the Special Highway Fund.) City Engineer, Christina Cook, stated that the State would pay 80% of the cost of the project. The City would be responsible for the design, right-of-way and utilities. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve the Kansas Department of Transportation request for the installation of traffic signals for Lacy Drive and Us-77 in the amount of \$350,000.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- i. The consideration and approval to set a public hearing for a proposed text **amendment to the Zoning Regulations** for the City of Junction City for consideration at the Metropolitan Planning Commission meeting in September. Commissioner Rhodes moved, seconded by Commissioner Talley to approve a public hearing for a proposed text amendment to the Zoning Regulations for the City of Junction City for consideration at the Metropolitan Planning Commission meeting in September. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

COMMISSIONER COMMENTS

Commissioner Taylor stated that he had received calls concerning the sale of dogs at 6th & Webster Streets. He inquired if they had a permit to sell the dogs. Chief Story stated that the Police Department has checked and they meet all of the legal requirements to sell the dogs. City Manager, Rod Barnes, stated that City staff can check with the State to verify their tax ID number. Commissioner Taylor stated that he wants the staff to follow through to ensure they are legal.

Commissioner Johnson stated that a public hearing will be held on August 11th on the 2010 budget and he encouraged the public to attend.

Commissioner Talley did not have any comments.

Commissioner Rhodes stated that he met a couple from Nebraska that attended the Confederate Railroad concert. They stated they enjoyed the concert and had had dinner in Junction City, stay overnight and played golf.

Mayor Heldstab did not have any comments.

STAFF COMMENTS

City Manager, Rod Barnes, stated that the school crossing at 18th Street and Madison will be completed by mid-September. Mr. Barnes stated that Leon Osbourn with Kaw Valley Engineering has the results of the soil testing from the pond at the Riverwalk Pond. Mr. Osbourn will present the Commission with option at a future Commission meeting. Mr. Barnes stated that the Reader's Guide will be distributed at the public hearing on August 11th and it will be added to the City's web site.

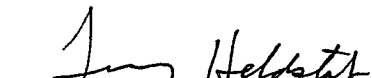
City Attorney, Katie Logan, stated that two representatives from BKD, Inc. will be in town the week of August 10th. Interviews will be held in 15 minute increments the afternoon of August 10th. Anyone who desires to meet with the representatives, can call 816-701-0250 to schedule a time. The contact information will be provided to the media and added to the City's web site.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn at 9:25 p.m. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 18th DAY OF AUGUST 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR AUGUST 4, 2009.


Tricia Gowen, City Clerk


Terry Heldstab, Mayor